Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: _2088				
Bill #: _ HB 544				
Document ID #: <u>6128</u>				
Bill Subject/Title: AN ACT relating to rights-of-ways on state roads.				
Sponsor: Representative Brandon Reed				
Unit of Government: X City County X Urban-County Unified Local Charter County Consolidated Local X Government				
Office(s) Impacted: Cities				
Requirement: X Mandatory Optional				
Effect on Powers & Duties: X Modifies Existing Adds New X Eliminates Existing				

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 544 amends KRS 177.106 to define "encroachment" on state road rights-of-ways. It clarifies the requirement for an encroachment permit as well as the power of the Transportation Cabinet to issue notice of violation to the responsible party and to order encroachments removed or remedied at the responsible parties cost.

Any person who fails to obtain an encroachment permit, shall, upon notice of violation, be subject to a civil fine of \$500 for the first violation, \$1,000 for the second violation within a three-year period, and \$2,000 for a third or subsequent violation within a three-year period. Further, after a third violation within a three-year period, they will be prohibited from receiving an encroachment permit for a period of six-months.

Any civil fine imposed, shall be collected by the municipality in which the violation occurred, and be used for public safety or infrastructure.

HB 544 also repeals KRS 177.103.

The overall fiscal impact of HB 544 is indeterminable but expected to have a minimally positive impact as a result of the ability to collect fines.

According to the Kentucky League of Cities (KLC), there is no specific data available on the number of encroachments on the rights-of-ways of state-maintained roads. KLC points out that current law does not have any civil penalties associated with noncompliance but expects that compliance with this legislation would increase with very few civil penalties being assessed. They also state that as drafted, HB 544 would only apply civil penalties if the encroachment occurs within a city, although the six-month prohibition on permits would apply statewide after a third violation within a three-year period.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced.

Data Source(s):	LRC Staff, Kent	ucky League of Cities.	
Preparer: Mar	k Offerman	Reviewer:	Date: